

1-1 By: Davis of Harris (Senate Sponsor - Janek) H.B. No. 653  
1-2 (In the Senate - Received from the House April 3, 2003;  
1-3 April 7, 2003, read first time and referred to Committee on Health  
1-4 and Human Services; May 19, 2003, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to a shampoo apprentice permit.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1602.253, Occupations Code, is amended  
1-11 to read as follows:

1-12 Sec. 1602.253. CERTIFICATE OF HEALTH REQUIRED FOR CERTAIN  
1-13 APPLICANTS. An applicant for an operator license, instructor  
1-14 license, reciprocal license, ~~[or]~~ specialty certificate, or  
1-15 shampoo apprentice permit must submit a certificate of health that:

1-16 (1) shows the applicant is free, as determined by a  
1-17 physical examination, from tuberculosis or a contagious disease for  
1-18 which the applicant is not entitled to protection under the federal  
1-19 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et  
1-20 seq.); and

1-21 (2) is signed by a licensed physician, advanced  
1-22 practice nurse, or licensed physician assistant.

1-23 SECTION 2. Subchapter F, Chapter 1602, Occupations Code, is  
1-24 amended by adding Section 1602.267 to read as follows:

1-25 Sec. 1602.267. SHAMPOO APPRENTICE PERMIT. (a) A person  
1-26 holding a shampoo apprentice permit may perform only the practice  
1-27 of cosmetology defined by Section 1602.002(3).

1-28 (b) The commission shall issue a shampoo apprentice permit  
1-29 to an applicant who:

1-30 (1) is at least 16 years of age; and

1-31 (2) submits a certificate of health as required by  
1-32 Section 1602.253.

1-33 (c) A shampoo apprentice permit expires on the first  
1-34 anniversary of the date of issuance and may not be renewed.

1-35 (d) The commission shall adopt rules as necessary to  
1-36 administer this section. The commission may not require an  
1-37 applicant to:

1-38 (1) complete any hours of instruction at a cosmetology  
1-39 training program as a prerequisite for the issuance of a shampoo  
1-40 apprentice permit; or

1-41 (2) pay a fee for a shampoo apprentice permit.

1-42 (e) A facility licensed under this chapter may employ a  
1-43 person who holds a shampoo apprentice permit to perform shampooing  
1-44 or conditioning services and shall pay the person at least the  
1-45 federal minimum wage as provided by Section 6, Fair Labor Standards  
1-46 Act of 1938 (29 U.S.C. Section 206).

1-47 SECTION 3. The Texas Cosmetology Commission shall adopt the  
1-48 rules required by Section 1602.267, Occupations Code, as added by  
1-49 this Act, not later than January 1, 2004.

1-50 SECTION 4. This Act takes effect September 1, 2003.

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